



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,166	12/14/2000	David Akopian	944-001.036	8426

.4955 7590 08/13/2003

WARE FRESSOLA VAN DER SLUYS &  
ADOLPHSON, LLP  
BRADFORD GREEN BUILDING 5  
755 MAIN STREET, P O BOX 224  
MONROE, CT 06468

EXAMINER

CORRIELUS, JEAN B

ART UNIT	PAPER NUMBER
----------	--------------

2631

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/737,166

Applicant(s)

AKOPIAN ET AL.

Examiner

Jean B Corrielus

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-34 is/are allowed.
- 6) ☒ Claim(s) 35,41 and 47 is/are rejected.
- 7) ☒ Claim(s) 36-40,42-46 and 48-52 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.                      6) ☐ Other: \_\_\_\_\_.

Art Unit: 2631

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 1-52 are objected to because of the following informalities: claim 1, line 11, "of the replica component" needs to be inserted after replica. The same comment applies to claim 12, line 11, claim 23, lines 12 line. Claim 2, lines 19-21 and 23 recites "a further correlated and filtered signal", however, there is no limitation to a "first correlated and filtered signal". The same comment applies to claim 6, line 22, claim 9, line 23 and 26, claim 13, line 20 and 23, claim 19, lines 22-23, claim 20, lines 24 and 27, claim 24, lines 20 and 23, claim 28, lines 22-23, claim 31, lines 24 and 27, claim 37, lines 17 and 19, claim 37, line 20, claim 40, lines 20 and 22, claim 42, line 16 and 18, claim 43, line 19, claim 46, lines 21 and 23-24, claim 48, lines 16 and 18-19, claim 49, line 19 and claim 52, lines 21 and 23-24. Claim 35, line 5, "a" should be "the/said" in each occurrence the same comment applies to claims 41 and 47, line 5-6 and 6-7, respectively. Claim 50, the dependency should be changed to "49".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2631

3. Claims 2-5, 9, 13-16, 20, 24, 31, 36-40, 42-46, 48-52 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, line 21 recites "detecting the best value" however, it is unclear as to what applicant refers as "best value". The same comment applies to claim 9, line 24, claim 13, lines 21, claim 21, line 25, claim 24, line 21 claim 31, line 25 claim 38, line 18 claim 40, line 21 claim 42, line 17 claim 46, line 22 claim 48, line 17 and claim 52, line 22.

Claim 37, lines 4-5, " the approximately carrier wipe signal" lacked of antecedent basis the same comment applies to claim 39, lines 4-5, claim 43, lines 3-4, claim 45, lines 3-4, claim 49, lines 3-4 and claim 51, lines 3-4

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 35, 41 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by

Schuchman et al US patent No. 5,577,066.

Schuchman et al discloses a method and apparatus a method and apparatus fig. 10 having the steps of providing a signal including a carrier component and a data component see col 6, lines 54-61; performing an acquisition of the signal see fig. 10 the acquisition including the

Art Unit: 2631

substep of data wipeoff involving a squaring see fig. 10 the signal is inherently acquired to a finer resolution than would be without performing data wipeoff.

***Allowable Subject Matter***

6. Claims 1-34 are allowed over the prior art of record.
7. Claims 36-40, 42-46 and 48-52 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9314

Art Unit: 2631

(for informal or draft communications, please label "PROPOSED" or  
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the  
examiner should be directed to Jean B. Corrielus whose telephone number is (703) 305-4023.  
The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703) 305-3800.

  
Jean B. Corrielus

Primary Examiner

TC-2600

8/5/03